

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JACOB DANIEL REEHL,

Case No. 3:16-cv-02205-SU

Plaintiff,

v.

**OPINION
AND ORDER**

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

SULLIVAN, United States Magistrate Judge:

Plaintiff Jacob Daniel Reehl has filed an Unopposed Motion for EAJA Fees, under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Docket No. 22). Plaintiff requests that attorney fees of \$5,329.28, expenses of \$8.33, and costs of \$13.80 be awarded to his attorney. *Id.* The Commissioner has stipulated to this award. *Id.* On October 6, 2017, the Court recommended the Commissioner's final decision denying plaintiff benefits be reversed and remanded for further

administrative proceedings (Docket No. 17); these recommendations were adopted by the Court on November 20, 2017 (Docket No. 20).

As the prevailing party, plaintiff is entitled to attorney fees under EAJA. However, plaintiff has not provided the proper support for his Motion. Under 28 U.S.C. § 2412(d), EAJA fee awards are by default paid to the litigant, not his attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). For the Court to order an award directly to plaintiff's attorney, plaintiff must submit documentation so authorizing, such as a retainer agreement or attorney-client contract providing for the payment of EAJA fees to the attorney, or an affidavit from plaintiff approving such payment. Plaintiff has not provided this authorization.

The Court thus DENIES plaintiff's Motion, with leave to refile with sufficient, proper authorization.

IT IS SO ORDERED.

DATED this 28th day of February, 2018.

/s/ Patricia Sullivan
PATRICIA SULLIVAN
United States Magistrate Judge